

Zoning Text Amendment No: 06-04  
Concerning: Rural Neighborhood Cluster –  
Rural Open Space  
Draft No. & Date: 2 – 1/19/06  
Introduced: January 24, 2005  
Public Hearing: 2/28/06; 1:30 p.m.  
Adopted:  
Effective:  
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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By: Councilmember Praisner

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance for the purpose of:

- clarifying the circumstances for subdivision of a one-family residential lot in the rural open space area of the Rural Neighborhood Cluster (RNC) zone, and
- requiring all publicly held or privately held land in the rural open space area of the Rural Neighborhood Cluster (RNC) zone to be preserved in perpetuity by easement or covenant; and
- generally amending the Rural Neighborhood Cluster zone.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-9	“AGRICULTURAL ZONES”
Section 59-C-9.57	“Special regulations for development in the Rural Neighborhood Zone”
Section 59-C-9.572	“Rural Open Space”
Section 59-C-9.574	“Optional method of development”

**EXPLANATION:** ***Boldface** indicates a heading or a defined term.*

*Underlining indicates text that is added to existing laws by the original text amendment.*

*[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.*

*Double underlining indicates text that is added to the text amendment by amendment.*

*[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.*

*\* \* \* indicates existing law unaffected by the text amendment.*

*ORDINANCE*

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

**Sec. 1. DIVISION 59-C-9. is amended as follows:**

**DIVISION 59-C-9. AGRICULTURAL ZONES.**

**\* \* \***

**59-C-9.57. Special regulations for development in the Rural Neighborhood Cluster zone.**

**59-C-9.571. Purpose.**

The cluster method of development is intended to preserve large areas of contiguous rural open space, consistent with the recommendations and guidelines of the applicable master or sector plan. Cluster development is required under both the standard and optional methods of development. Cluster development requires the setting aside of rural open space. Under the optional method of development the maximum development unit density allowed may be increased to accommodate the construction of Moderately Priced Dwelling Units in accordance with Chapter 25A.

**59-C-9.572. Rural Open Space.**

Rural open space is land that is managed, as described in Section 59-C-9.574(g)(3), or is unmanaged, which means that it is returning to its natural state without human intervention. Contiguous rural open space shares an extended boundary with a residential cluster neighborhood. The open space may preserve sensitive natural resources, other sensitive areas and associated habitat.

Recreational facilities in the rural open space are limited to trails and related amenities or other facilities recommended in the master plan. The following classes of uses are not permitted in the rural open space area. The exceptions noted in subsections (d) and (f) are not excluded from this area; they are permitted by right or special exception, as stated in section 59-C-9.3:

- (a) Agricultural-industrial;
- (b) Agricultural-commercial;
- (c) Resource production and extraction;
- (d) Residential, with the following exceptions:
  - If recommended in an approved and adopted master or sector plan, a one-family detached dwelling located on a lot, 10 acres or greater in size, that contributes to the overall total of rural open space;
  - accessory apartment that is part of a one-family detached dwelling located on a lot, 10 acres or greater in size, that contributes to the overall total of rural open space;
  - a farm tenant dwelling in existence prior to application of the Rural Neighborhood Cluster zone, or a structure converted to a farm tenant dwelling included as part of a historic site designated in the Historic Master Plan;
  - a one-family semidetached dwelling and townhouse as part of a moderately-priced dwelling unit development;
- (e) Commercial; and
- (f) Services, except a home occupation associated with an otherwise permitted residential use.

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**59-C-9.574. Optional method of development.**

\* \* \*

- (h) Rural open space design guidelines

\* \* \*

- (4) All publicly held or privately held land in the rural open space area must be preserved in perpetuity as rural open space [,

55 either by dedication to parkland or] by application of an  
56 easement or covenant in a recordable form approved by the  
57 Planning Board. The easement or covenant must restrict uses in  
58 the rural open space area to those [set forth in this zone] uses  
59 allowed under 59-C9.572, [establish procedures] provide for the  
60 management of any natural or agricultural features [as set forth]  
61 in accordance with the approved site plan, and prohibit any  
62 [further] development or subdivision within the rural open  
63 space area not expressly authorized.

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65 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the  
66 date of Council adoption.

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68 This is a correct copy of Council action.

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73 Linda M. Lauer, Clerk of the Council